

APPENDIX B

FLOODPLAIN MANAGEMENT REGULATIONS

Federal, state and local regulations direct how floodplain management is conducted in King County. The wide range of regulatory programs and enabling legislation require floodplain managers to balance multiple objectives, including protecting public health and safety, preserving and restoring the natural environment, maintaining economic viability of the region and respecting private property rights.

NATIONAL FLOOD INSURANCE PROGRAM (42 CFR Chapter 50)

The National Flood Insurance Program (NFIP) was created in 1968 to address the rising cost of taxpayer funded disaster relief. The goal of the program is to decrease the amount of money the federal government pays in post-flood disaster relief by encouraging jurisdictions to reduce the risk to property owners through floodplain mapping, regulations, education and other programs. The NFIP provides the financial backing for flood insurance policies within participating communities, making them more affordable to private property owners. There is an incentive for jurisdictions to adopt standards that exceed the minimum standards of the NFIP by reducing the cost of flood insurance premiums within jurisdictions with higher standards. While participation in the NFIP is technically not required under federal law, it is highly impractical for King County to not participate since most federally-backed mortgage loans require the purchase of flood insurance.

According to FEMA, approximately 20,000 communities across the United States participate in the NFIP. (www.fema.gov/nfip/whonfp.shtm) King County began participation in the NFIP in 1972 and is currently the highest rated county in the country under the Community Rating System (CRS), which is the method for rating communities that participate in the NFIP. In addition to King County, almost all incorporated cities (34 of 39) within King County participate in the NFIP.

DISASTER MITIGATION ACT (44 CFR Parts 201 and 206)

The Disaster Mitigation Act (DMA) was adopted in 2000 and is designed to encourage communities to develop a comprehensive disaster mitigation plan that incorporates all hazards, including both natural and human-created disasters, such as terrorism. The incentive to encourage communities to take on this planning effort is that only those communities that have an adopted Hazard Mitigation Plan are eligible for participation in the Hazard Mitigation Grant Program (HMPG). State Emergency Management Agencies are responsible for reviewing and approving local jurisdictions Hazard Mitigation Plans. Final approval must be granted by the Federal Emergency Management Agency (FEMA). The King County Office of Emergency Management developed the King County Hazard Mitigation Plan in 2003 and the plan has received approval from FEMA. The Flood Hazard Management Plan is considered to be the flood hazard component of the King County Hazard Mitigation Plan, and must be consistent with DMA to assure that King County is eligible for participation in the Hazard Mitigation Grant Program.

NATIONAL ENVIRONMENTAL POLICY ACT (42 CFR)

The National Environmental Policy Act (NEPA) requires that all federally sponsored actions, and all privately sponsored actions using federal funds, must evaluate the action to determine if it will have a significant adverse environmental impact on the environment. In addition, federal agencies that issue permits or give approval for actions, must also evaluate the action for significant adverse environmental impacts. A full disclosure of all impacts is required and regulatory agencies, both federal and local, with decision authority over the action must consider the impacts prior to an agency decision. Many of King

County's flood hazard management projects and programs utilize federal funding or require permits from federal agencies and must, therefore, conform with the NEPA regulations.

ENDANGERED SPECIES ACT (50 CFR Part 223)

The Endangered Species Act (50 CFR Part 223) prohibits any actions that may result in a "take" of any species listed as threatened or endangered under the Act, including the prohibition against impacts to these species' habitats. "Take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. With the listing of Puget Sound Chinook salmon and bull trout as threatened, and the potential for listing of other riverine and marine species, the policies, programs and projects established in this Plan take into consideration what these actions may have on listed species and their habitats to assure that King County is not subject to legal challenges under the Endangered Species Act.

WASHINGTON STATE FLOODPLAIN MANAGEMENT (Chapter 86.16 RCW)

The Washington state flood control regulations are contained primarily within the Revised Code of Washington (RCW) Chapter 86.16. The state has adopted higher standards than the minimum requirements for participation under the National Flood Insurance Program. All local floodplain management regulations must be reviewed and approved by the Washington State Department of Ecology before a community is eligible for participation in the National Flood Insurance Program. The state law establishes the duties of the Department of Ecology for floodplain management and assistance to local jurisdictions.

WASHINGTON STATE GROWTH MANAGEMENT - PLANNING BY SELECTED COUNTIES AND CITIES (Chapter 36.70A RCW)

The Washington State Growth Management Act (GMA) was passed by the Washington State Legislature in 1990 and seeks to further protect the quality of life in the Pacific Northwest. The GMA requires that the state's most populous and fastest growing counties and their cities prepare comprehensive land use plans that anticipate growth for a 20-year horizon. Smaller communities and those communities that are experiencing a slow rate of growth may choose to plan under the GMA, but are not required to do so. Comprehensive plans adopted in accordance with GMA must manage growth so that development is directed to designated urban areas and away from rural areas. The GMA also requires jurisdictions to designate and protect critical areas, including frequently flooded areas. Comprehensive Plans must identify and protect natural resource lands, which include commercially significant forestry, agriculture, and mining areas.

WASHINGTON STATE ENVIRONMENTAL POLICY ACT (Chapter 43.21 RCW)

The Washington State Environmental Policy Act (SEPA) was established in 1969 for the purpose of considering the impacts of actions on the environment. "Actions" are either project actions or nonproject actions and include a wide variety of activities that may impact the environment, such as new construction, developing comprehensive plans or establishing zoning. The Act also identifies a number of actions that are categorically exempt from SEPA review. The development of this Plan required review under SEPA. Construction projects conducted under the policies and programs established in this plan will require SEPA review on a case by case basis.

WASHINGTON STATE SHORELINE MANAGEMENT ACT (Chapter 90.58 RCW and Chapter 173-26 WAC)

The Washington State Shoreline Management Act (Chapter 90.58 RCW) was first adopted in 1971 to address development along designated shorelines in the state. Under the Act, local governments have the responsibility to initiate the development of a Shoreline Management Master Program and to regulate development within those areas identified as "shorelines of the state." The Shoreline Management Act Guidelines are codified in Chapter 173-26 (WAC) and were updated in 2003. All construction projects that are located within a shoreline of the state are subject to the requirements of the King County Shoreline Management Program.

GROWTH MANAGEMENT PLANNING COUNCIL AND COUNTY-WIDE PLANNING POLICIES

King County, along with the City of Seattle and Suburban cities established the Growth Management Planning Council (GMPC), as required by RCW 36.70A.210 to prepare a coordinated policy framework for future development in King County. In July 1992, the GMPC adopted Phase 1 of the County-Wide Planning Policies. Phase 2 was adopted in 1994. The King County Countywide Planning Policies have been ratified by a majority of the jurisdictions in King County. One of the elements addressed by the County-Wide Planning Policies is the protection of critical areas, as required under the Growth Management Act (GMA). "Frequently flooded areas" are critical areas under the GMA. Policy CA-12 is relevant to protection of frequently flooded areas and floodplain management. This policy requires that cities and the county coordinate with each other on flood hazard management and that jurisdictions be consistent with the King County Flood Hazard Reduction Plan.

- CA-12 The cities and the County should closely plan and coordinate implementation of their flood hazard reduction activities within the major river basins (the Snoqualmie, Skykomish, Sammamish, Cedar, Green, and White).
- a. Comprehensive plan policies, regulations, and programs of jurisdictions in any of the six major river basins should be consistent with the King County Flood Hazard Reduction Plan (FHRP) Policies.
 - b. Each jurisdiction's policies, regulations, and programs should effectively prevent new development and other actions from causing significant adverse impacts on major river flooding, erosion, and natural resources outside their jurisdiction.

KING COUNTY COMPREHENSIVE PLAN

King County's first comprehensive plan dates back to 1964. With the passage of the Washington State Growth Management Act (GMA) in 1990, King County rewrote its comprehensive plan for consistency with GMA in 1994. The GMA established specific elements that must be included in a comprehensive plan and other optional elements that a local jurisdiction may choose to include for GMA compliance. One key element of the GMA is to identify and protect critical areas. Frequently flooded areas are critical areas under GMA, and the comprehensive plan must establish policies on how they will be protected. The Flood Hazard Management Plan is considered an augmentation of the King County Comprehensive Plan policies for the protection of frequently flooded areas and floodplain management.

KING COUNTY CODE (K.C.C.)

Title 9 (Surface Water Management)

K.C.C. Title 9 is the County's Surface Water Management code and supplements the *King County Surface Water Design Manual* and basin plans, which are adopted in K.C.C. Title 20. Title 9 is divided into four primary sections: Surface Water Runoff Policy; the Surface Water Management Program; Water Quality; and Groundwater Protection. Title 9 has been adopted to be consistent with and implement Comprehensive Plan policies, which have been adopted in accordance with Chapter 36.70A RCW, Growth Management.

Title 16 (Building and Construction Standards)

K.C.C. Title 16 is the County's building and construction standards code. King County has adopted the International Building Code, the International Residential Code, the International Property Maintenance Code, the International Mechanical Code and the International Security Code. These International codes have all been amended by the State of Washington for application in the state, including amendments to assure compliance with the Washington State floodplain management regulations. King County has made additional amendments to these codes for application within the County to assure that the County's higher regulatory floodplain standards are maintained. Those sections of the International Codes that are inconsistent with state or local regulations have either not been adopted or have been amended.

Title 21A (Zoning)

K.C.C. Title 21A is the County's zoning code and contains the majority of the development regulations for construction within floodplains. K.C.C. chapter 21A.06 contains definitions of terms used in the zoning code. The development regulations are located within K.C.C. chapter 21A.24, Critical Areas. The zoning code is enacted to be consistent with and implement the Comprehensive Plan in accordance with chapter 36.70A RCW, Growth Management.

Title 23 (Code Compliance)

The purpose of this Title 23 is to identify processes and methods to encourage compliance with county laws and regulations that King County has adopted pursuant to the Washington Constitution and other state laws to promote and protect the general public health, safety and environment of county residents. This title declares certain acts to be civil violations and establishes non-penal enforcement procedures and civil penalties. This title also declares certain acts to be misdemeanors. The regulations adopted by the County for development within floodplain are enforced by this Title.

Title 25 (Shoreline Management)

King County's Shoreline Management Master Program, adopted in 1975, inventoried and designated shoreline environments based on natural characteristics, developed policies for activities and uses within each designation. Regulations implementing the shoreline policies are codified in King County Code Title 25. All activities implementing the River and Floodplain Management Program must be in compliance with Title 25.